

ALLEGED SHIPMENT: On or about December 1, 1952, by Sun-Pacific, Inc., from San Francisco, Calif.

PRODUCT: 99 cases, each containing 48 15-ounce cans, of mackerel at Somerville, Mass.

LABEL, IN PART: (Can) "Sultana Brand Mackerel."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Mackerel" and the vignette which appeared on the label depicting Pacific mackerel were false and misleading since the product was horse mackerel; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: April 21, 1953. The Franco-Italian Packing Co., Terminal Island, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Department of Health, Education, and Welfare.

20267. Misbranding of canned salmon. U. S. v. 6 Cases * * *. (F. D. C. No. 34558. Sample No. 64213-L.)

LIBEL FILED: On or about January 27, 1953, Western District of Washington.

ALLEGED SHIPMENT: On or about September 5, 1952, from Sitka, Alaska.

PRODUCT: 6 cases, each containing 48 7 $\frac{3}{4}$ -ounce cans, of salmon at Seattle, Wash.

RESULTS OF INVESTIGATION: The product was shipped unlabeled and was labeled at Seattle, Wash. Examination showed that the product was Alaska sockeye salmon and not Quinault blueback salmon.

LABEL, IN PART: (Can) "Bud Linsley's Quinault Blueback Salmon."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Quinault Blueback Salmon" was false and misleading as applied to salmon other than blueback salmon caught in the Quinault River. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 18, 1953. Default decree of destruction. The court ordered that the product be delivered to a Federal institution.

20268. Misbranding of canned sardines. U. S. v. 70 Cases * * *. (F. D. C. No. 34597. Sample No. 2522-L.)

LIBEL FILED: January 13, 1953, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about November 14, 1952, by the Riviera Packing Co., from Eastport, Maine.

PRODUCT: 70 cases, each containing 48 15-ounce cans, of sardines at Charleston, S. C. Examination showed that the article was a mixture of mature and immature sea herring.

LABEL, IN PART: (Can) "Sunny Island Sardines * * * Distributors Roxbury Sales Co., Inc. New York and San Francisco, Cal."

NATURE OF CHARGE: Misbranding, Section 403 (a), the picture of a tropical island and of a California sardine, the San Francisco address, and the designation "Sardines," which appeared on the can label, were false and misleading as applied to the product, which contained mature and immature sea herring packed in Maine; and, Section 403 (b), the product was offered for sale under the name of another food, namely, sardines.

DISPOSITION: May 23, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court

ordered that the product be released under bond to be relabeled under the supervision of the Department of Health, Education, and Welfare.

20269. Adulteration of oysters. U. S. v. 1 Barrel * * *. (F. D. C. No. 34559. Sample No. 26249-L.)

LIBEL FILED: January 21, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about January 14, 1953, by J. B. Robinson & Co., from Seaford, Del.

PRODUCT: 1 barrel containing 104 pint cans of oysters at Mankato, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: April 27, 1953. Default decree of destruction.

20270. Misbranding of frozen breaded oysters. U. S. v. 148 Cases * * *. (F. D. C. No. 33594. Sample No. 30664-L.)

LIBEL FILED: October 6, 1952, Western District of Washington.

ALLEGED SHIPMENT: The product was delivered for shipment from Seattle, Wash., to Dallas, Tex., by Ivar Wendt, on or about May 23, 1952.

PRODUCT: 148 cases, each containing 12 packages, of frozen breaded oysters at Seattle, Wash.

LABEL, IN PART: (Package) "Willapoint Breaded Ready to Cook Oysters Quick Frozen Net Wt. 12 Oz. [over-stamped 10 oz.] Distributors Willapoint Oysters Inc. Seattle, Wash."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since only approximately 10 ounces of breaded oysters were packed in a container capable of holding 12 ounces of breaded oysters; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short weight.)

DISPOSITION: June 26, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use.

FRUITS AND VEGETABLES

CANNED FRUIT

20271. Misbranding of canned peaches. U. S. v. 181 Cases, etc. (F. D. C. No. 34653. Sample Nos. 40882-L, 40883-L.)

LIBEL FILED: February 10, 1953, District of Oregon.

ALLEGED SHIPMENT: On or about August 28 and October 31, 1952, by the Wapato Packing Co., from Wapato, Wash.

PRODUCT: 181 cases, each containing 24 1-pound, 14-ounce cans of "Chatter Box" brand peaches, and 158 cases, each containing 24 1-pound, 13-ounce cans, of "Freshie" brand peaches, at Portland, Oreg.

LABEL, IN PART: (Cans) "Chatter Box Elberta Peaches Halved Yellow Freestone In Extra Heavy Syrup" and "Freshie Brand Elberta Peaches Sliced Yellow Freestone in Heavy Syrup."